87-1333

No.

Supreme Court, U.S.
FILED
FEB 4 1988
JOSEPH F. SPANIOL, JR.
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1987

KATHY DENT, Individually and on Behalf of ANDREW DENT, a Minor, and Independent Executrix of the Estate of GENE GILBERT DENT, Deceased,
Petitioner,

vs.

THE CITY OF DALLAS, TEXAS, FRANK REED, and LARRY EDDINGTON,
Respondents.

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE TEXAS COURT OF APPEALS FOR THE FIFTH JUDICIAL DISTRICT OF TEXAS AT DALLAS

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COURT OF APPEALS
FIFTH DISTRICT OF TEXAS
AT DALLAS

NO. 05-86-00478-CV

KATHY DENT, ET AL.
APPELLANT

v.

THE CITY OF DALLAS, ET AL.

ORDER

It is ORDERED that the motion for rehearing filed by appellants, Kathy Dent, Individually and on Behalf of Andrew Dent, a Minor, and as Independent Executrix of the Estate of Gene Gilbert Dent, Deceased, I. O. Dent, and Mavis Dent, is OVERRULED.

May 15, 1987.

/s/ Gordon Rowe
Gordon Rowe
Justice

NO. 82-6424-M

IN THE
DISTRICT COURT OF DALLAS COUNTY, TEXAS
298TH JUDICIAL DISTRICT

KATHY DENT, Individually and on Behalf of ANDREW DENT, a Minor, and as Independent Executrix of the Estate of GENE GILBERT DENT, Deceased, I.O. DENT and MAVIS DENT,
Plaintiffs,

versus

THE CITY OF DALLAS, TEXAS, FRANK REED and LARRY EDDINGTON,
Defendants,

versus

ALLEN DOUGLAS DAVIS,
Third-Party Defendant.

JUDGMENT

On October 15, 1984, Plaintiffs Kathy Dent, Individually and on Behalf of Andrew Dent, a Minor, and as Independent Executrix of the Estate of Gene Gilbert Dent, Deceased, and I.O. Dent and Mavis Dent appeared and announced ready for trial, as did Defendants City of Dallas, Texas, Frank Reed and Larry Eddington. Third-Party Defendant Allen Douglas Davis did not attend the trial of this cause, either in person or by legal counsel.

A jury of twelve individuals and two individual alternates was duly impaneled and sworn and heard the evidence. Prior to submission of Special Issues and final arguments of counsel to the jury, a juror became ill,

was duly excused by the Court with agreement of all counsel, and was replaced by the first alternate juror. Thereafter the Court read its Charge and the jury heard and considered the arguments of counsel. The Court excused the remaining alternate juror prior to commencement of deliberation.

In response to special issues, definitions, and explanatory instructions submitted to them in the Charge of the Court, ten jurors made findings which were receceived by the Court and were filed and entered of record on the minutes of the Court.

In addition to the findings made by the jurors, Defendants City of Dallas, Frank Reed and Larry Eddington stipulated that "reasonable and necessary medical expenses in Dallas County, Texas, incurred by Decedent as a result of the incident made the basis of this suit was $9,025," and that "reasonable and necessary funeral and burial expenses in Dallas County, Texas, incurred as a result of the incident made the basis of this suit were $3,791."

Plaintiffs moved to disregard the jury's answer to Special Issue No. 2 and moved for judgment on the verdict. Defendant Larry Eddington moved for judgment on the verdict, and Defendants City of Dallas and Frank Reed moved for judgment non obstante veredicto. After reasonable notice of the motions was given to all parties, the Court duly heard and considered the motion, the evidence, and arguments of counsel. The Court decided the issues presented by these motions in its "Memorandum Decision and Order" entered on January 17, 1985, which is incorporated herein by reference. In accordance therewith:

It is ORDERED, ADJUDGED and DECREED that Kathy Dent, in her individual capacity, in her capacity as next friend of Andrew Dent, and in her capacity as independent executrix of the Estate of Gene Gilbert Dent, shall recover from defendants, the City of Dallas, Texas, and Frank Reed, jointly and severally, the sum of one hundred thousand dollars ($100,000).

It is also ORDERED, ADJUDGED and DECREED that the City of Dallas, Texas, and Frank Reed shall have contribution from defendant Allen Douglas Davis in the sum of eighty thousand dollars ($80,000).

It is further ORDERED, ADJUDGED and DECREED that Plaintiffs shall take nothing from defendant Larry Eddington, and that Plaintiffs Mavis Dent and I.O. Dent shall take nothing from any defendant.

Costs of Court are taxed against Plaintiff Kathy Dent. All relief not expressly granted is denied.

Signed: February 01, 1985.

/s/ Sid Fitzwater
Sid Fitzwater, District Judge

APPROVED AS TO FORM:

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